



**PATENT APPLICATION**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of

Hidenori KAWATA

Group Art Unit: 2871

Application No.: 10/614,918

Examiner: J. Dudek

Filed: July 9, 2003

Docket No.: 116171

For: ELECTRO-OPTICAL APPARATUS AND ELECTRONIC EQUIPMENT

**RESPONSE TO ELECTION OF SPECIES REQUIREMENT**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

In reply to the September 29, 2004 Election of Species Requirement, Applicant provisionally elects Species 1, claims 1-9 and 13, with traverse. Currently, there are no generic claims.

Applicant respectfully submits that a thorough search of the two species does not place an undue burden on the Patent Office. As alleged by the Patent Office, Species 1 is directed to a multilayer junction-layer transit connected between the pixel-potential-side capacitor electrode, while Species 2 is directed to a monolayer junction-layer transit connected between the pixel-potential-side capacitor electrode. Thus, the search of the multilayer version should necessarily entail a search of the monolayer version of the junction-layer transit connected between the pixel-potential-side capacitor electrode.

Further, Applicant respectfully submits that the Election of Species Requirement is improper. According to MPEP §806.04(e), claims are definition of inventions and *are never*

*species*. Thus, the Patent Office's designation that Species 1 is claims 1-9 and 13, and Species 2 is 10-12 and 14, is improper.

It is also respectfully submitted that the subject matter of all *species* is sufficiently related that a thorough search for the subject matter of any one *species* would encompass a search for the subject matter of the remaining *species*. Thus, it is respectfully submitted that the search and examination of the entire application could be made without serious burden. See MPEP §803 in which it is stated that "if the search and examination of an entire application can be made without serious burden, the examiner must examine it on the merits, even though it includes claims to independent or distinct inventions" (emphasis added). It is respectfully submitted that this policy should apply in the present application in order to avoid unnecessary delay and expense to Applicant and duplicative examination by the Patent Office.

Thus, withdrawal of the Election of Species Requirement is respectfully requested.

Respectfully submitted,

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JAO:LL/hs

Date: October 28, 2004

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